

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LANA WEATHERLY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:24-cv-00250-BAM

ORDER REQUIRING PLAINTIFF TO FILE
LONG FORM APPLICATION TO PROCEED
IN FORMA PAUPERIS

(Doc. 2)

TWENTY-ONE DAY DEADLINE

On February 28, 2024, Plaintiff Lana Weatherly (“Plaintiff”), through counsel, filed this action seeking judicial review of a final decision of the Commissioner of the Social Security Administration. (Doc. 1.) Plaintiff did not pay the filing fee and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. 2). However, Plaintiff’s application is insufficient for the Court to determine if Plaintiff is entitled to proceed without prepayment of fees in this action.

Plaintiff reports working part-time, receiving \$850.00 every two weeks in take-home pay, along with receiving \$1,750 per month in disability retirement and/or contributions from her daughter’s father. (Doc. 2.) Plaintiff also lists various monthly expenses. Based on Plaintiff’s representation, the Court requires additional information to determine if Plaintiff is entitled to

1 proceed *in forma pauperis* in this action. Accordingly, the Court will order Plaintiff to complete
2 and file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long
3 Form) – AO 239. If Plaintiff is unwilling to complete and submit the long form application,
4 Plaintiff must pay the filing fee in full.

5 Based upon the foregoing, it is HEREBY ORDERED that:

- 6 1. The Clerk of the Court is directed to forward an Application to Proceed in District
7 Court Without Prepaying Fees or Costs (Long Form) – AO 239 to Plaintiff;
- 8 2. Within **twenty-one (21) days** of the date of this order, Plaintiff shall either (1)
9 pay the \$405.00 filing fee for this action, or (2) complete and file the enclosed
10 Application to Proceed in District Court Without Prepaying Fees or Costs (Long
11 Form) – AO 239; and
- 12 3. If Plaintiff fails to comply with this order, then this action shall be dismissed.

13
14 IT IS SO ORDERED.

15 Dated: February 29, 2024

15 /s/ Barbara A. McAuliffe
16 UNITED STATES MAGISTRATE JUDGE